

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUSTIN FRANCO,

Plaintiff,

-against-

AMERICAN AIRLINES, INC.,

Defendant.

ORDER

21-CV-5918 (PGG) (JW)

JENNIFER E. WILLIS, UNITED STATES MAGISTRATE JUDGE:

This morning, the Court's pro se intake office received a letter from the Plaintiff. Defendant contacted the Court and forwarded the letter to the Court via email.

Plaintiff's letter stated, "oral arguments for this case are scheduled for today. However, I need to inform you that I am experiencing a significant and unexpected health concern which, with regret, will prevent my attendance." The letter further said, "despite such developments, I am submitting my revised reply as initially planned...This revision is a comprehensive reply memorandum complete with proper citations, a refined Rule 56.1 statement, a listing of my objections, and additional affidavits."

SDNY Local Rule 6.1(b) does not generally permit sur-replies and Local Rule 56.1(b) requires the Rule 56.1 statement to be included with the Opposition to Summary Judgment.

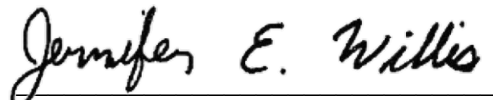
Nevertheless, even though the papers may not be in the exact proper form, "pro se litigants...deserve more lenient treatment than those represented by counsel." See McDonald v. Head Criminal Court Supervisor Officer, 850 F.2d 121, 124 (2d

Cir.1988). Furthermore, the Second Circuit has expressed “a strong preference for resolving disputes on the merits.” See Elohim EPF USA, Inc. v. 162 D & Y Corp., No. 19-CV-2431 (AJN), 2021 WL 2292682, at *1 (S.D.N.Y. June 4, 2021) *citing* New York v. Green, 420 F.3d 99, 104 (2d Cir. 2005). Therefore, the Court will accept Plaintiff’s revised 56.1 statement, sur-reply, and affidavits in lieu of holding oral argument. Therefore, today’s oral argument is CANCELED.

On a separate note, the Court respectfully requests Defendant submit a letter to the Court by **November 1st**, with a chart or list that identifies each exhibit in Dkt. No. 82 and referenced in the memoranda of law.

SO ORDERED.

Dated: October 18, 2023
 New York, New York


JENNIFER E. WILLIS
United States Magistrate Judge